

**AMENDMENTS TO THE DRAWINGS**

Applicants provide two (2) sheets of replacement drawings in response to the non-final office action mailed October 1, 2007. Please note, "Prior Art" has been added to Figure 10 and the orientation of the title of the Figure 5 has been changed to conform to the orientation of the drawing.

Attachment: Two Replacement Sheets including Figure 5 and Figure 10

**REMARKS**

Claims 1-14 are pending, of which, claims 1, 8 and 14 are independent. Claims 1, 8 and 14 are being amended.

**Objections to the Drawings**

Figure 10 is being amended to include a "Prior Art" designation as pointed out by the Examiner.

Figure 3 is objected to as allegedly including labels S305, S307 and S309 that are not mentioned in the specification. The specification, in paragraph [0048], is being amended to include references to the above labels. No new matter has been introduced.

Figure 7 is objected to as including label S709 that is allegedly not mentioned in the specification. Applicants submit that paragraph [0067] of the specification does include a reference to this label and describes the step performed at S709. Accordingly, no amendments to the drawings or to the specification are required.

Additionally, Figure 5 is amended to rotate and move the title of the drawing such that it conforms to the orientation of the other text appearing in this drawing. No new matter is being introduced.

Withdrawal of the objections to the drawings is requested.

**Objections to the Specification**

The specification is being objected to for allegedly inconsistent reference to label 207 as both a "stuffing space" and a "watermark space." The phrase "stuffing space" appears in paragraphs [0043], [0049] and [0051] of the specification. Paragraph [0043] that includes the first occurrence of this phrase is being amended to include "The phrases stuffing space and

watermark space are used interchangeably throughout this specification.” Applicants respectfully submit that this amendment introduces no new matter.

The specification is further being objected to for allegedly including the abbreviation MICOM. Paragraph [0068] that includes the first occurrence of this abbreviation is being amended to include “microprocessor computer (MICOM).” Applicants respectfully submit that this amendment introduces no new matter.

Withdrawal of the objections to the specification is respectfully requested.

**Claim Rejections - 35 U.S.C. § 103**

Claims 1-6 and 8-14 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Miller (U.S. 6,442,517) in view of Johnson (U.S. 2002/0165720). Claim 7 is rejected as being allegedly unpatentable over Miller and Johnson and further in view of Kivimaki (U.S. 7,174,295).

**Claim 1**

Without admitting that the subject matter of Claim 1 was in fact rendered unpatentable by the prior art, to facilitate the speedy prosecution of the present application, Claim 1 is amended to recite “A method of inserting sync signal into audio file containing a plurality of frames, each frame includes a first part in which audio contents are stored, a second part which contains at least information of a size of the first part, and a third part which text and sync signal can be inserted into and is within the first part ... wherein a region of the third part which text and sync signal can be inserted into is a part representing high-frequency band signal in stuffing bits of the first part.” (Emphasis added.)

Support for these amendments may be found throughout the specification and drawings and, for example, in Figures 2, 3 and 4 of the application and in paragraph [0045] to [0055] of the specification. For example, paragraph [0045] recites “The space which least affect [sic] the

sound quality is high-frequency region among main data (205), and it is possible to insert text data in this data region. The part which hardly affects the sound quality among the main data and represents high-frequency band signal is called watermark space (207), and data is inserted by using the watermark space (207).” (Emphasis added.)

The Office action cites the control signal of Miller against “the third part of the frame” of claim 1. (Office action p. 4.) According to Miller “Preferably, the control signal contains information relating to the order of embedding of the data signal within the audio sequence. For example, the control signal may dictate that, during the encoding process, one particular word of the lyrics contained within the data signal may contain three syllables, each syllable requiring position at a different beat of the song.” (Miller, col. 4, lines 60-66.) However, there is no teaching or suggestion in Miller regarding “a part representing high-frequency band signal” within the control signal. As such, Miller does not teach or suggest that “a region of the third part which text and sync signal can be inserted into is a part representing high-frequency band signal in stuffing bits of the first part” as claimed by amended claim 1.

Further, Johnson does not include a reference to a “high-frequency band signal” and does not appear to cure the deficiency of Miller. Cited portions of Kivimaki, that is cited for teaching the text-to-speech aspect of claim 7, do not cure the deficiency of Miller and Johnson in disclosing the features of amended claim 1.

As such, amended claim 1 is believed to be patentable over Miller, Johnson and Kivimaki, whether taken alone or in combination.

Claims 2-7 depend from claim 1 and are believed to be allowable at least because of their dependence from an allowable base claim.

Claim 8

Claim 8 is amended to include “wherein a region of the third part which text and sync signal can be inserted into is a part representing high-frequency band signal in stuffing bits of the first part.”

Miller and Johnson do not appear to teach or suggest claim 8 as amended and this claim is believed to be allowable over Miller and Johnson alone or in combination. Claims 9-13 depend from claim 8 and are believed to be allowable at least because of their dependence from an allowable base claim.

Claim 14

Claim 14 is amended to include “wherein a region of the third part which text and sync signal can be inserted into is a part representing high-frequency band signal in stuffing bits of the first part.”

Miller and Johnson do not appear to teach or suggest claim 14 as amended and this claim is believed to be allowable over Miller and Johnson alone or in combination.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Pavel I. Pogodin/

---

Pavel I. Pogodin

AMENDMENT UNDER 37 C.F.R. § 1.111  
Application No.: 10/825,807

Attor

Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

Registration No. 48,205

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: February 1, 2008